

JUDGE DAVID BRIONES
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

2020 MAR 11 PM 1:58

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ALONSO GUTIERREZ ,

Defendant.

§ CRIMINAL NO. EP-20-CR-

§ INDICTMENT

§ CT 1: 18 U.S.C. § 371
§ CTS 2-17: 18 U.S.C. § 545 & 2
§ CT 18: 18 U.S.C. § 554 & 2
§ CTS 19-24: 16 U.S.C. §§ 3372(a)(1),
§ 3373(d)(1)(B) & 18 U.S.C. § 2

THE GRAND JURY CHARGES:

EP20CR0920

COUNT 1
Conspiracy
(18 U.S.C. § 371)
The Defendant and Co-Conspirators

1. JORGE ALONSO GUTIERREZ ("Gutierrez" or "Defendant") was a resident of Juarez, Mexico. Gutierrez had a B1/B2 border crossing card that allowed him to make daily commutes across the border from Mexico to the United States.

2. CC-1, CC-2, CC-3, and CC-4 (referred to collectively as "the suppliers") were co-conspirators not named as defendants herein, and were Mexican nationals residing in Mexico. They were in the business of selling protected and endangered wildlife to customers in the United States and elsewhere. MM-1, a co-conspirator not named as a defendant herein, was a United States citizen residing in El Paso, Texas, who was in the business of working with Gutierrez and the suppliers to smuggle protected and endangered wildlife from Mexico to the United States. Like GUTIERREZ, MM-1 operated as a middleman in the smuggling scheme. The suppliers used social media to advertise live animals for sale, negotiate a price for the

animals, and arrange with GUTIERREZ and MM-1 for the transport of the purchased animals to Juarez, Mexico, and then to the United States for delivery to customers.

Background on the Regulation of Trade in Endangered Species

3. The Convention on International Trade in Endangered Species of Wild Flora and Fauna (“CITES”) was an international agreement among approximately 183 governments, including the United States and Mexico, to protect fish, wildlife, and plants that are, or may become, threatened with extinction. CITES establishes import and export restrictions to protect these species from overexploitation through international trade.

4. Under CITES, species are protected according to a classification system known as “appendices.” International trade in species listed in these appendices is monitored and regulated by permits and quotas. The permit restrictions apply to live and dead specimens, as well as the skins, parts, and products made in whole or in part from a listed species.

5. Wildlife and plant species listed in Appendix II of CITES include species that are not presently threatened with extinction but may become so if their trade is not regulated. Appendix II species may be allowed in trade; however, they are strictly regulated and monitored. To import an Appendix II species into the United States, the exporter must obtain a valid “foreign export permit,” issued by the specimen’s country of origin, prior to importation.

6. *Abronia* is a genus of lizards found in Mexico and throughout Central America and northeastern South America. *Abronia* are small arboreal lizards which inhabit cloud forests at high elevations. The entire genus is listed in CITES Appendix II.

7. *Dermatemys mawii* is a species of turtle commonly referred to as the Central American river turtle and is found in the Atlantic drainages of Central America, specifically Mexico, Belize, and Guatemala. The Central American river turtle is thought to be one of the 25

most endangered turtle species in the world and has been locally extirpated from much of its historic range. The Central American river turtle is listed as endangered by the United States Fish and Wildlife Service (USFWS) and is listed in CITES Appendix II.

8. *Ramphastidae*, or toucans, are arboreal, colorful birds native to the neotropics, the region comprising Central and South America, including the tropical southern part of Mexico and the Caribbean. Toucan populations suffer from loss of habitat and deforestation. They are hunted for both food and the pet trade. To legally import toucans into the United States, in addition to submitting a wildlife declaration, one must obtain a veterinary services import permit and the birds must undergo a 30-day quarantine due to potential disease outbreaks. Keel billed toucans (*Ramphastos sulfuratus*), as charged herein, are listed in CITES Appendix II.

9. The genus *Varanus* includes the large lizards commonly referred to as monitors. *Varanus* is listed in CITES Appendix II.

10. *Calumma* and *Furcifer* are genera of chameleons originating from Madagascar. Both genera are listed in CITES Appendix II.

11. *Corallus caninus* known as the Emerald tree boa is a non-venomous species found in the rain forest of South America. It is listed in CITES Appendix II.

12. *Candoia paulsoni*, *Candoia carinata* and *Candoia aspera* are small non-venomous ground boas from New Guinea and the Solomon Islands. All three species are listed in CITES Appendix II.

13. *Centrochelys sulcata* is known as the African spurred tortoise and is found on the southern edge of the Sahara desert. It is the third largest tortoise in the world. It is listed in CITES Appendix II.

14. All Crocodiles (*Crocodylus*) throughout the world are listed in CITES Appendix II.

15. In the United States, CITES is implemented through the Endangered Species Act (“ESA”). 16 U.S.C. §§ 1537(a), 1540(f). USFWS has issued extensive regulations under the ESA incorporating the specific permit requirements and provisions of CITES. 50 C.F.R. § 23. The ESA and its implementing regulations make it unlawful for anyone to engage in trade in any specimens contrary to CITES or to possess any specimens traded contrary to CITES. 16 U.S.C. § 1538(c)(1); 50 C.F.R. § 23.13(a) and (c). “Trade,” in this context, includes importation into the United States. 50 C.F.R. § 23.5.

16. All imported wildlife must be declared to the USFWS in the United States. A true and complete declaration Form 3-177, *Declaration for Importation or Exportation of Fish or Wildlife*, must be filed at or before the time of importation. 16 U.S.C. § 1538(e); 50 C.F.R. § 14.61. Federal regulations also require that the USFWS clear all wildlife imported into the United States, and that the importer or his agent make available the wildlife being imported to the officer, as well as all required permits, licenses, or other documents. 50 C.F.R. § 14.52. The wildlife may only be cleared at certain ports authorized in the regulations, unless specifically authorized elsewhere. 50 C.F.R. § 14.11.

17. The federal wildlife protection statute known as the Lacey Act is found at Title 16, United States Code, Section 3371 *et seq.* The Lacey Act makes it unlawful for any person to import, export, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States. 16 U.S.C. § 3372(a)(1).

The Conspiracy

18. Beginning on an unknown date, but at least as early as April 2015, and continuing through the present, in the Western District of Texas and elsewhere,

JORGE ALONSO GUTIERREZ,

defendant herein, knowingly combined, conspired, confederated, and agreed with others known and unknown, including CC-1, CC-2, CC-3, CC-4, and MM-1, to commit certain offenses against the United States, that is:

- a. to knowingly import and bring into the United States, merchandise, namely wildlife, including CITES-protected wildlife, contrary to laws and regulations of the United States, and receive, conceal, buy, sell, and in any manner facilitate the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, in violation of Title 18, United States Code, Section 545;
- b. to knowingly export and send and attempt to export and send from the United States merchandise, articles, and objects, namely wildlife, including CITES-protected wildlife, contrary to laws and regulations of the United States, in violation of Title 18, United States Code, Sections 554 and 2; and
- c. to knowingly sell wildlife with a value of more than \$350 knowing that such wildlife was possessed, transported, and sold in violation of laws, treaties, and regulations of the United States, in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B).

Manner and Means of the Conspiracy

The manner and means by which GUTIERREZ and his co-conspirators sought to accomplish the objects and purposes of the conspiracy included, among others, the following:

19. In furtherance of the conspiracy and to effect the illegal objects thereof, GUTIERREZ and others known and unknown, including the suppliers and MM-1, used social media to offer wildlife for sale and to negotiate the terms of the sale and delivery with customers in the United States and Mexico.

20. In furtherance of the conspiracy and to effect the illegal objects thereof, after the suppliers and customers agreed to a sale, the suppliers arranged for the wildlife to be transported to Juarez, Mexico. GUTIERREZ picked up the wildlife from the Juarez airport and then delivered it to MM-1 at a pre-arranged place in Juarez, Mexico. GUTIERREZ also delivered shipping labels to MM-1, bearing the addresses in the United States to which MM-1 delivered the wildlife. After receiving the wildlife from GUTIERREZ, MM-1 transported the wildlife to his residence in El Paso, Texas, via automobile, which MM-1 drove across the U.S.-Mexico border through the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) lane. SENTRI is a U.S. Customs and Border Protection (CBP) program that allows expedited clearance for pre-approved, low-risk travelers upon arrival in the United States.

21. In furtherance of the conspiracy and to effect the illegal objects thereof, MM-1 received a “crossing fee” for each border crossing, the amount of which depended on the number of animals transported, the size of the package(s), and, in some cases, the risk of being detected by the authorities.

22. In furtherance of the conspiracy and to effect the illegal objects thereof, at his residence, MM-1 removed the animals from their packaging. MM-1 would photograph any dead animal(s) and send the photo(s) to the supplier. MM-1 then re-packaged the live animals and shipped them to the customer via U.S. Postal Service or private courier service.

23. Beginning on a date not later than April 2015 and continuing through the February 20, 2020, GUTIERREZ received and transported and caused MM-1 and others known and unknown to the Grand Jury to receive and transport endangered and protected wildlife across the U.S.-Mexico border several times per week. During that time period, GUTIERREZ received and transported and caused MM-1 and others known and unknown to the Grand Jury to receive

and transport wildlife across the U.S.-Mexico Border with a market value in excess of \$3,500,000. During that time period, MM-1 was paid by GUTIERREZ and others known and unknown to the Grand Jury, more than \$92,000 to transport wildlife across the U.S.-Mexico border.

24. Beginning on a date not later than April 2015 and continuing through February 20, 2020, GUTIERREZ received and transported and caused others known and unknown to the Grand Jury to receive and transport endangered and protected wildlife out of the United States to Mexico.

OVERT ACTS

In furtherance of the conspiracy and in order to effect the objects thereof, GUTIERREZ and his co-conspirators committed the following overt acts, among others, in the Western District of Texas and elsewhere:

April 2015 sale and smuggle of wildlife to U.S. Customer 1

Overt Act 1: On or about and between April 21, 2015, and April 23, 2015, CC-2 sold wildlife, including but not limited to three protected *Abronia* lizards, 50 frogs, and 27 salamanders, to U.S. Customer 1.

Overt Act 2: On or about and between April 21, 2015, and April 23, 2015, MM-1 and CC-2 electronically messaged each other regarding the sale of wildlife to U.S. Customer 1, stating:

MM-1: When will you be sending again? Have you already sent the turtles?

CC-2: I was going to send today, but there was a problem with the frogs. They [turtles and frogs] will be sent tomorrow.

MM-1: I am going to call [U.S. Customer 1] and ask him to send more money. [To take them across the border] is 500 pesos per box of frogs.

Overt Act 3: On or about April 23, 2015, GUTIERREZ received the lizards, frogs, and salamanders, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 4: On or about April 23, 2015, MM-1 shipped the lizards, frogs, and salamanders from El Paso, Texas, to U.S. Customer 1 in California.

May 2015 sale and smuggle of wildlife to U.S. Customer 2

Overt Act 5: On or about and between May 12, 2015, and May 19, 2015, CC-3 sold wildlife, including but not limited to six *Abronia* lizards, to U.S. Customer 2.

Overt Act 6: On or about and between May 12, 2015, and May 19, 2015, MM-1 and CC-3 electronically messaged each other regarding transport of the wildlife, including the lizards, to Juarez, Mexico, for MM-1 to pick up and transport into the United States. As part of this discussion, they stated:

CC-3: [referring to a photograph he sent to MM-1] This is the other *Mesaspis* [lizards]. The package is already in Juarez.

MM-1: I am upset with [U.S. customer]. He sent \$47, not \$50.

CC-3: I will send you the \$3, or more *Abronia*.

MM-1: We take all the risk. [U.S. Customer] should have sent the \$50.

CC-3: Getting and transporting the animals is risky.

MM-1: Yes, very.

Overt Act 7: On or about May 19, 2015, GUTIERREZ received the lizards, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 8: On or about May 19, 2015, MM-1 shipped the *Abronia* lizards from El Paso, Texas, to U.S. Customer 2 in Tennessee.

January and February 2016 sales and smuggling of wildlife to U.S. Customer 3

Overt Act 9: On or about January 23, 2016, MM-1 and CC-1 electronically messaged each other regarding a planned sale, stating:

CC-1: I live in Mexico City and have a commercial business that sells animals. I am able to transport them within Mexico, but needed [sic] them to “cross crooked.” You can pick up the animals in Juarez.

MM-1: It will be \$700 to cross the animals. Crossings of this quantity of animals is difficult because the heat makes it difficult to hide the animals and the officers check more often.

Overt Act 10: On or about and between January 23, 2016, and February 25, 2016, CC-1 sold wildlife, including but not limited to two Mexican spotted wood turtles, 23 boa constrictors, and two Mexican spiny-tailed iguanas, to U.S. Customer 3.

Overt Act 11: On or about January 23, 2016, GUTIERREZ received the turtles, snakes, and iguanas, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 12: On or about January 23, 2016, MM-1 shipped the turtles, snakes, and iguanas from El Paso, Texas, to U.S. Customer 3 in Florida.

January 2016 sale and smuggling of wildlife to U.S. Customer 4

Overt Act 13: On or about and between January 14, 2016, and January 25, 2016, CC-1 sold wildlife, including but not limited to Central American river turtles, to U.S. Customer 4.

Overt Act 14: On or about January 14, 2016, MM-1, CC-1, and U.S. Customer 4 electronically messaged each other regarding a sale of *Abronia* and turtles, stating:

MM-1: For *Abronias*, the crossing is \$110, so for tomorrow's shipping, we are talking \$320, total.

U.S. Customer 4: Really, I don't understand why the turtles shipping is 150. I thought I already paid 550 for the crossing plus the actual shipping.

MM-1: No, to cross the tres lomos [turtles] was quite an ordeal and then I was not expecting those 12 chopos [turtles]. I had to make 3 trips. The box is quite heavy and, on top of that, those chopos bite hard. I had to improvise yesterday with all the animals. Those 2 tres lomos are big and heavy, so let's play by the rules. I really risk a lot by crossing things. Yesterday, it was pretty scary with those 2 monsters.

Overt Act 15: On or about January 25, 2016, U.S. Customer 4 and MM-1 electronically messaged each other about transport of turtles and monitor lizards from Juarez.

Overt Act 16: On or about January 25, 2016, GUTIERREZ received the turtles, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 17: On or about January 25, 2016, MM-1 shipped turtles from Texas to U.S. Customer 4 in Missouri.

September 2016 sale of wildlife to Cooperating Private Individual 1

Overt Act 18: On or about and between September 16, 2016, and September 22, 2016, CC-4 sold wildlife, including but not limited to Central American river turtles, to Cooperating Private Individual 1 ("CPI-1") for \$1,650.

Overt Act 19: On or about September 16, 2016, CC-4 and CPI-1 electronically messaged each other regarding the sale of the turtles in which CC-4 stated that the payment should be split between CC-4 and MM-1, who CC-4 described as his "middle-man in El Paso."

Overt Act 20: On or about September 22, 2016, GUTIERREZ received the turtles, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 21: On or about September 22, 2016, MM-1 shipped turtles from Texas to CPI-1 in Oklahoma.

January 2017 sale and smuggling of wildlife to U.S.

Overt Act 22: On or about and between January 17, 2017, and January 19, 2017, CC-1 and CC-4 sold wildlife, including but not limited to Terrestrial arboreal alligator lizards, Spiny headed tree frogs, Red-lipped arboreal alligator lizards, Morelet's alligator lizards, Alligator lizards, Helmeted iguanas, Bocourt's arboreal alligator lizards, Yucatan spiny-tailed iguanas, Conehead lizards, and Bromelaid arboreal alligator lizards, to U.S. Customers 5, 6, and 7.

Overt Act 23: On or about January 18, 2017, MM-1 and CC-1 electronically messaged each other regarding a sale of the species listed in Overt Act 22, stating:

CC-1: [CC-4] insisted on shipping everything in one trip. I will get the [animals] and ship them to Juarez on Monday. Profepa [Mexican authorities] was checking and opening packages and I do not want a hard time.

MM-1: The stuff you sent is safe.

Overt Act 24: On or about January 18, 2017, CC-4 sent an electronic message to MM-1 listing all the animals contained in the latest package, instructions on which customer was to receive which animal, and which customer was going to pay for the transport and shipping.

Overt Act 25: On or about and between January 18, 2017, and January 19, 2017, GUTIERREZ received the above-described animals, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 26: On or about January 19, 2017, MM-1 shipped wildlife from El Paso, Texas, to U.S. Customer 5 in Florida, U.S. Customer 6 in Florida, and U.S. Customer 7 in California.

February 2017 smuggling of wildlife to and from the U.S.

Overt Act 27: On or about February 12, 2017, GUTIERREZ and MM-1 electronically messaged each other regarding small crocodiles and turtles that GUTIERREZ intended to transport from El Paso to Juarez. In the message, MM-1 stated that the “crocodiles were risky, because they bark and are delicate.” MM-1 instructed GUTIERREZ to “tape their snouts.”

Overt Act 28: On or about February 12, 2017, GUTIERREZ received five Crocodiles and 10 lizards (*Abronia sp.*), which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 29: On or about February 12, 2017, CC-1 agreed to purchase 10 Panther chameleons (*Furcifer pardalis*) from a co-conspirator based in Tennessee (“Tennessee Seller”), and known to the Grand Jury.

Overt Act 30: On February 12, 2017, Tennessee Seller sent or caused to be sent the chameleons to El Paso, Texas, where they were retrieved by MM-1 and delivered to GUTIERREZ at a pre-arranged location, in El Paso. GUTIERREZ then transported the animals out of the United States to Mexico.

March 2017 smuggling of wildlife from the U.S.

Overt Act 31: On or about March 16, 2017, CC-4 agreed to purchase 30 *Centrochelys sulcata* from a co-conspirator based in Arizona (“Arizona Seller”), known to the Grand Jury.

Overt Act 32: On or about March 16, 2017, Arizona Seller sent or caused to be sent 30 African spurred tortoises (*Centrochelys sulcate*) to El Paso, Texas.

Overt Act 33: On or about March 16, 2017, GUTIERREZ and MM-1 electronically messaged each other regarding the sale of the tortoises, in which the two agreed to meet the following day in El Paso and that GUTTEREZ would give MM-1 money at that time.

Overt Act 34: On or about March 17, 2017, GUTTEREZ and MM-1 met at a location in El Paso and GUTIERREZ received the tortoises. Later that day, GUTIERREZ transported the tortoises out of the United States to Mexico, and then shipped the animals to CC-4 in Mexico.

June 2017 smuggling of wildlife from the U.S.

Overt Act 35: On or about June 21, 2017, CC-2 agreed to purchase 11 Gabon vipers (*Bitis gabonica*), 4 black-necked spitting cobras (*Naja nigricollis*), and four other venomous vipers (*Bitis nasicornis*) from a co-conspirator in Oklahoma (“Oklahoma Seller”), who is known to the Grand Jury.

Overt Act 36: On or about June 21, 2017, Oklahoma Seller sent or caused another to send those snakes to El Paso, Texas.

Overt Act 37: On or about June 21, 2017, GUTIERREZ and MM-1 electronically messaged each other regarding a sale of the species listed in Overt Act 35, in which GUTIERREZ informed MM-1 that he was made aware of a problem with the package at the airline delivery point at the El Paso Airport, because the snakes were venomous. GUTIERREZ further stated that he was going to tell the airline that “he did not know he needed a permit for the snakes.”

Overt Act 38: On or about June 22, 2017, GUTIERREZ retrieved the animals from the airport in El Paso, Texas, and then transported the animals out of the United States to Mexico.

Overt Act 39: On or about, June 25, 2017, CC-2 agreed to purchase wildlife, including a blue-spotted tree monitor (*Varanus macraei*), 3 emerald tree monitors (*Varanus prasinus*), 2

black tree monitors (*Varanus beccarii*), 6 Asian water monitors (*Varanus salvator*), a boa constrictor (*Corallus hortulanus*), an Emerald tree boa (*Corallus caninus*), 2 Solomon Island ground boas (*Candoia paulsoni*), 5 blue and yellow frogs (*Phyllomedusa bicolor*), 4 Frilled-neck lizards (*Chlamydosaurus kingie*), and 2 New Guinea ground boas (*Candoia aspera*), from a co-conspirator in Florida (“Florida Seller”), who is known to the Grand Jury.

Overt Act 40: On or about June 25, 2017, Florida Seller sent or caused another to send those animals to El Paso, Texas, where they were received by MM-1.

Overt Act 41: On or about June 25, 2017, GUTIERREZ sent MM-1 an electronic communication in which he agreed to pay MM-1 \$450 to transport the animals from Texas to Juarez. On the same day, MM-1 delivered those animals to GUTIERREZ in Juarez, Mexico. GUTIERREZ then sent the animals to CC-4.

July and September 2017 sales and smuggling of wildlife to U.S. Customer 8

Overt Act 42: On or about July 25, 2017, CC-4 sold wildlife, including but not limited to 6 toucans (*Ramphastos sulfuratus*), to U.S. Customer 8.

Overt Act 43: On or about July 25, 2017, MM-1 and CC-4 electronically messaged each other regarding the transport of toucans, stating:

CC-4: Will you cross toucans for \$75 [per bird]? It would be the same as crossing reptiles, they would be in a box.

MM-1: \$85 [per bird] and tape their beaks so they do not make noise and tie them up very well.

Overt Act 44: On or about August 3, 2017, GUTIERREZ received the toucans, which he then delivered to MM-1 in Juarez, Mexico, who then transported the birds from Mexico into the United States.

Overt Act 45: On or about August 3, 2017, MM-1 shipped toucans from El Paso, Texas, to U.S. Customer 8 in Nevada.

Overt Act 46: On or about, September 7, 2017, CC-4 sent or caused to be sent ten toucans (*Ramphastos sulfuratus*) to GUTIERREZ in Juarez, Mexico.

Overt Act 47: On or about September 7, 2017, GUTIERREZ and MM-1 electronically messaged each other regarding a sale of the toucans, in which Gutierrez stated “the shipment was delayed and it would arrive tomorrow. I have the toucans and they are dying.” GUTIERREZ attached a video and photographs to the message, which depicted dead, or dying, toucans.

Overt Act 48: On or about September 7, 2017, GUTIERREZ received the toucans, which he then delivered to MM-1 in Juarez, Mexico, who then transported the animals from Mexico into the United States.

Overt Act 49: On or about September 8, 2017, GUTIERREZ delivered the animals to MM-1 in Juarez. Three of the toucans died in Mexico during transport. MM-1 crossed seven toucans into Texas and shipped the birds to U.S. Customer 8 in California.

November 2017 sale and smuggling of wildlife to Cooperating Private Individual 2

Overt Act 50: On or about and between November 7, 2017, and November 16, 2017, CC-1 sold wildlife, including but not limited to 15 Bell's false brook salamander (*Isthmura belli*), to CPI-2 for \$1200.

Overt Act 51: On or about November 9, 2017, CPI-2 electronically transferred \$262 to MM-1 for the transport and shipping of the salamanders.

Overt Act 52: On or about November 15, 2017, MM-1 labeled the package containing salamanders shipped to CPI-2 with the following false return address: “Oscar Miranda, 1701 Hawkins Blvd., El Paso, Texas 79925.”

Overt Act 53: On or about November 15, 2017, GUTIERREZ received the salamanders, which he then delivered to MM-1 in Juarez, Mexico, who transported the animals from Mexico into the United States, and then shipped the salamanders from El Paso, Texas, to CPI-2 in Iowa.

September 2018 smuggling of wildlife from the U.S.

Overt Act 54: On or about September 11, 2018, GUTIERREZ purchased 5,000 pond slider turtles (*Trachemys scripta scripta*) from a co-conspirator based in California (“California Seller”), known to the Grand Jury.

Overt Act 55: On or about September 12, 2018, an individual known to the Grand Jury retrieved the turtles and transported them out of the United States to Mexico.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2 - 17
Smuggling into the United States
(18 U.S.C. §§ 545 and 2)

Paragraphs 1 through 17 of Count 1 of the Grand Jury’s Indictment are incorporated herein by reference as if set forth in their entirety.

On or about the dates listed below, each date representing a separate count, in the Western District of Texas and elsewhere,

JORGE ALONSO GUTIERREZ,
defendant herein, did knowingly import and bring into the United States, merchandise, specifically the protected wildlife listed below, contrary to laws and regulations of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United

States, by, among other things, knowingly failing to make the required declaration and obtain the required authorization to import such items into the United States, in violation of Title 16, United States Code, Section 1538(e); and Title 50, Code of Federal Regulations, Sections 14.11, 14.52, and 14.61.

COUNT	DATES	WILDLIFE
2	April 23, 2015	Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Imbricate alligator lizard (<i>Barisia imbricata</i>); and alligator lizard (<i>Mesaspis sp.</i>)
3	May 19, 2015	Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); <i>Abronia</i> sp.; Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); <i>Lepidophyma</i> sp., <i>Corytophanes</i> sp., <i>Gerrhonotus</i> sp.; Terrestrial arboreal alligator lizard (<i>Abronia graminea</i>); <i>Abronia smithi</i> ; Yucatan spiny-tailed iguana (<i>Ctenosaura defensor</i>)
4	January 23, 2016	Common boa (<i>Boa constrictor imperator</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); <i>Abronia</i> sp.; Narrow-bridged musk turtle (<i>Claudius angustatus</i>); Central American river turtle (<i>Dermatemys mawii</i>); <i>Corytophanes</i> sp.
5	Sept 22, 2016	Central American river turtle (<i>Dermatemys mawii</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Giant horned lizard (<i>Phrynosoma asio</i>); Bromeliad arboreal alligator lizard (<i>Abronia taeniata</i>); Deppe's arboreal alligator lizard (<i>Abronia deppii</i>); Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Minor lizard (<i>Sceloporus minor</i>); Yucatan box turtle (<i>Terrapene carolina yucatana</i>)
6	January 18, 2017-January 19, 2017	Terrestrial arboreal alligator lizard (<i>Abronia graminea</i>); Spiny-headed treefrog (<i>Anotheca spinosa</i>); Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Morelet's alligator lizard (<i>Mesaspis moreletii</i>); <i>Gerrhonotus</i> sp.; Bocourt's arboreal alligator lizard (<i>Abronia vasconcelosi</i>); Yucatan spiny-tailed iguana (<i>Ctenosaura defensor</i>); <i>Corytophanes</i> sp.; Bromeliad arboreal alligator lizard (<i>Abronia taeniata</i>); <i>Laemantus</i> sp.
7	February 12, 2017	Crocodiles (<i>Crocodyllus</i>) and <i>Abronia</i> sp.

COUNT	DATES	WILDLIFE
8	August 3, 2017	Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); Northeastern spinytail iguana (<i>Ctenosaura acanthura</i>); Mexican giant musk turtle 'lomos' (<i>Staurotypus triporcatus</i>); Keel billed toucan (<i>Ramphastos sulfuratus</i>)
9	Nov 15, 2017	Bell's false brook salamander (<i>Isthmura bellii</i>); Keel billed toucan (<i>Ramphastos sulfuratus</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Mexican horned lizard (<i>Phrynosoma Taurus</i>); Narrow-bridged musk turtle (<i>Claudius angustatus</i>); <i>Abronia</i> sp., <i>Crotalus</i> sp.
10	April 23, 2015	Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Imbricate alligator lizard (<i>Barisia imbricata</i>); and alligator lizard (<i>Mesaspis</i> sp.)
11	May 19, 2015	Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); <i>Abronia</i> sp.; Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); <i>Lepidophyma</i> sp., <i>Corytophanes</i> sp., <i>Gerrhonotus</i> sp.; Terrestrial arboreal alligator lizard (<i>Abronia graminea</i>); <i>Abronia smithi</i> ; Yucatan spiny-tailed iguana (<i>Ctenosaura defensor</i>)
12	January 23, 2016	Common boa (<i>Boa constrictor imperator</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); <i>Abronia</i> sp.; Narrow-bridged musk turtle (<i>Claudius angustatus</i>); Central American river turtle (<i>Dermatemys mawii</i>); <i>Corytophanes</i> sp.
13	Sept 22, 2016	Central American river turtle (<i>Dermatemys mawii</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Giant horned lizard (<i>Phrynosoma asio</i>); Bromeliad arboreal alligator lizard (<i>Abronia taeniata</i>); Deppe's arboreal alligator lizard (<i>Abronia deppii</i>); Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Minor lizard (<i>Sceloporus minor</i>); Yucatan box turtle (<i>Terrapene Carolina yucatana</i>)
14	January 18, 2017-January 19, 2017	Terrestrial arboreal alligator lizard (<i>Abronia graminea</i>); Spiny-headed treefrog (<i>Anotheca spinosa</i>); Red-lipped arboreal alligator lizard (<i>Abronia lythrochila</i>); Morelet's alligator lizard (<i>Mesaspis moreletii</i>); <i>Gerrhonotus</i> sp.; Bocourt's arboreal alligator lizard (<i>Abronia vasconcelosi</i>); Yucatan spiny-tailed iguana (<i>Ctenosaura defensor</i>); <i>Corytophanes</i> sp.; Bromeliad arboreal alligator lizard (<i>Abronia taeniata</i>); <i>Laemancus</i> sp.

COUNT	DATES	WILDLIFE
15	August 3, 2017	Mexican spiny-tailed iguana (<i>Ctenosaura pectinata</i>); Northeastern spinytail iguana (<i>Ctenosaura acanthura</i>); Mexican giant musk turtle 'lomos' (<i>Staurotypus triporcatus</i>); Keel billed toucan (<i>Ramphastos sulfuratus</i>)
16	September 7, 2017	Keel billed toucan (<i>Ramphastidae sulfuratus</i>)
17	Nov 15, 2017	Bell's false brook salamander (<i>Isthmura bellii</i>); Keel billed toucan (<i>Ramphastos sulfuratus</i>); Mexican spotted wood turtle (<i>Rhinoclemmys rubida</i>); Mexican horned lizard (<i>Phrynosoma Taurus</i>); Narrow-bridged musk turtle (<i>Claudius angustatus</i>); <i>Abronia</i> sp., <i>Crotalus</i> sp.

All in violation of Title 18, United States Code, Sections 545 and 2.

COUNT 18
Smuggling Goods from the United States
(18 U.S.C. §§ 554 and 2)

Paragraphs 1 through 17 of Count 1 of the Grand Jury's Indictment are incorporated herein by reference as if set forth in their entirety.

On or about February 12, 2017, in the Western District of Texas and elsewhere,

JORGE ALONSO GUTIERREZ,

defendant herein, did fraudulently and knowingly export and send, and attempt to export and send from the United States merchandise, specifically panther chameleons (*Furcifer pardalis*), contrary to law and regulation of the United States, specifically contrary to the Endangered Species Act, 16 U.S.C. §1538(c) and (e).

All in violation of Title 18, United States Code, Sections 554 and 2.

COUNTS 19-24
Wildlife Trafficking
(16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B); and 18 U.S.C. § 2)

Paragraphs 1 through 17 of Count 1 of the Grand Jury's Indictment are incorporated herein by reference as if set forth in their entirety.

On or about the dates listed below, each date representing a separate count, in the Western District of Texas and elsewhere,

JORGE ALONSO GUTIERREZ,

defendant herein, did knowingly engage in conduct that involved the sale and purchase of, offer of sale and purchase of and intent to sell and purchase wildlife with a market value in excess of \$350 and did knowingly import, export, transport, sell, receive, acquire, and purchase wildlife, specifically the wildlife listed below, with a market value in excess of \$350, and did aid and abet in the same, knowing that such wildlife was transported and sold in violation of the laws, treaties, and regulations of the United States, to wit, the Endangered Species Act, Title 16, United States Code, Section 1538(c)(1); Title 50, Code of Federal Regulations, Sections 14.11, 14.52, and 14.61; and Title 18, United States Code, Section 545.

COUNT	DATES	WILDLIFE
19	January 25, 2016	Central American river turtle (<i>Dermatemys mawii</i>)
20	July 27, 2017	Rhinoceros iguana (<i>Cyclura cornuta</i>)
21	September 16, 2016	Central American river turtle (<i>Dermatemys mawii</i>)
22	March 16, 2017	African spurred tortoises (<i>Centrochelys sulcata</i>)
23	June 25, 2017	Blue-spotted tree monitor (<i>Varanus macraei</i>); Emerald tree monitor (<i>Varanus prasinus</i>); Asian water monitor (<i>Varanus salvator</i>); Amazon tree boa (<i>Corallus hortulanus</i>); Emerald tree boa (<i>Corallus caninus</i>)
24	September 15, 2017	Campbell's alligator lizard (<i>Abronia campbelli</i>)

All in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B);
and Title 18, United States Code, Section 2.

DATED: March 11 2020

A TRUE ~~ORIGINAL SIGNATURE~~
~~REDACTED PURSUANT TO~~
~~E-GOVERNMENT ACT OF 2002~~

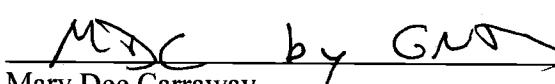
FOREPERSON OF THE GRAND JURY

JEFFREY BOSSERT CLARK
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL
RESOURCES DIVISION

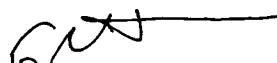
By:


Gary N. Donner
Trial Attorney
Environmental Crimes Section
U.S. Department of Justice

By:


Mary Dee Carraway
Trial Attorney
Environmental Crimes Section
U.S. Department of Justice

JOHN F. BASH
UNITED STATES ATTORNEY

BY: 
Assistant U.S. Attorney